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### Remarks

Claims 1, 14 and 16-24 are now pending in this application. Claims 1 and 10-13 were rejected, and Claims 2-9 were objected to, by the Examiner in an Office Action dated July 19, 2004. Claims 14 and 16 have been amended, and Claim 15 has been cancelled, herewith. Reconsideration is respectfully requested, based upon the above amendment to the claims and the following remarks.

As an initial matter, it should be noted that in a preliminary amendment filed by Applicants on July 25, 2003, Claims 2-13 were cancelled and Claims 14-16 were added. In this same preliminary amendment, Claim 1 was amended. Claims 1 and 14-16, and not Claims 1-13, were therefore pending in the present application at the time of issuance of the Office Action dated July 9, 2004.

### Claim Rejections – 35 U.S.C. § 103

The Examiner rejected Claims 1 and 10-13 under 35 U.S.C. § 103(a) as being unpatentable over Noguchi (U.S. Patent No. 5,184,261) in view of Luffel et al. (U.S. Patent No. 6,222,699). Applicant traverses as follows.

With respect to Claim 1, none of the cited references teach or suggest the claimed feature of "wherein the robotic mechanism comprises: a picker assembly operative to insert and remove at least one storage media cartridge of the plurality of storage media cartridges from the left plurality of slots, the right plurality of slots, and the at least one media drive; a first linear carriage operative to move the picker assembly along a first path approximately perpendicular to the back side of the housing; and a second linear carriage operative to move the picker assembly from a position which allows access to at least one of the left multitude of slots to a position which allows access to at least one of the right multitude of slots". Nor has the Examiner alleged any such teaching or suggestion. Therefore, the Examiner has failed to establish a prima facie showing with respect to Claim 1<sup>1</sup>, as all the claimed

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<sup>1</sup> In rejecting claims under 35 U.S.C. Section 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. *Id.* To establish prima facie obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. MPEP 2143.03. *See also, In re Royka*, 490 F.2d 580 (C.C.P.A. 1974).

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limitations have not been shown to be taught or suggested by the cited references. Therefore, the rejection of Claim 1 is shown to be in error.

Applicants further urge that Claim 1 is not obvious in view of the cited references, as the cited Noguchi teaches a conveyor belt for internal transport of cartridges, which is substantially different from the claimed robotic mechanism. For example, there is no picker assembly in the teachings of Noguchi as the cartridges are ejected onto the conveyor belt (Noguchi Col. 6, lines 1-12; lines 49-66). In addition, the cited Noguchi reference does not teach or suggest a robotic mechanism having first and second linear carriages, as claimed, as Noguchi teaches use of a conveyor belt for internal transport of cartridges. Similarly, the cited Luffel reference does not teach or suggest a robotic mechanism having first and second linear carriages, as claimed. Therefore, in addition to Claim 1 being shown above to have been erroneously rejected under 35 USC 103, Claim 1 is also shown to not be obvious in view of the cited references.

With respect to Claims 10-13, the rejection of such claims is moot as such claims have previously been cancelled without prejudice or disclaimer.

#### **Claim Objection**

The Examiner objected to Claims 2-9 as being dependent upon a rejected base claim. These claims have previously been cancelled by Applicants, without prejudice or disclaimer.

#### **Claims 14-16**

Applicants urge that Claim 14 is patentable in view of the cited Noguchi and Luffel references, as shown below.

With respect to Claim 14, such claim recites steps of (i) transporting a robotic mechanism along a first linear carriage disposed between the left plurality of slots and the right plurality of slots to move along a first path approximately perpendicular to a back side of the housing; and (ii) transporting the robotic mechanism along a second linear carriage to move the robotic mechanism from a position which allows access to at least one of the left multitude of slots to a position which allows access to

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at least one of the right multitude of slots. As can be seen, Claim 14 recites a robotic mechanism, and steps of transporting such robotic mechanism along a first linear carriage to move along a first path approximately perpendicular to a housing back side, and transporting the robotic mechanism along a second linear carriage to move the robotic mechanism from a position which allows access to at least one of the left slots to a position which allows access to at least one of the right slots – in effect transporting the robotic mechanism from a position accessing a left cell to a position accessing a right cell. In rejecting Claim 1, the Examiner has equated Noguchi's cassette conveyor (6) with the claimed robotic mechanism (Noguchi Col. 6, lines 1-12; lines 49-66). Applicants urge that this conveyor belt does not teach or otherwise suggest first and second linear carriages being used to transport a robotic mechanism, or the transporting of a robotic mechanism from a position accessing a left cell to a position accessing a right cell, as claimed. Nor does the cited Luffel reference overcome such deficiency. Thus, Claim 14 is shown to not be obvious in view of the cited references.

With respect to Claim 15, such claim has been cancelled herewith without prejudice or disclaimer.

With respect to Claim 16, Applicants initially traverse for reasons given above with respect to Claim 14 (of which Claim 16 depends upon). Further with respect to Claim 16, Applicants urge that none of the cited references teach or suggest the claimed steps of "inserting and removing at least one storage media cartridge of the plurality of storage media cartridges from the left plurality of slots, the right plurality of slots, and the at least one media drive by a picker assembly portion of the robotic mechanism". In rejecting Claim 1, the Examiner has equated Noguchi's cassette conveyor (6) with the claimed robotic mechanism. Claim 16 further defines and distinguishes the claimed robotic mechanism from the teachings of the cited Noguchi reference. In particular, Claim 16 requires that the robotic mechanism (which can be transported along first and second linear carriages as recited in independent Claim 14) have a picker assembly portion. In contrast, Noguchi's cassette conveyor is a mere conveyor belt, and cartridges are ejected onto such conveyor belt from a cassette housing (Noguchi Col. 6, lines 1-12; lines 49-66). Thus, not only is there no teaching or suggestion of a robotic mechanism having a picker assembly portion. Nor does the

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cited Luffel reference overcome such deficiency. Thus, Claim 16 is shown to not be obvious in view of the cited references.

**Newly Added Claims 17-24**

Applicants have added Claims 17-24 herewith. Examination of such claims is respectfully requested.

Respectfully submitted,

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